



04-04-05.

2836  
JB JFW

Docket No.: 03551/100I300-US1  
(PATENT)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of:  
Stephen H. Elliot et al.

Application No.: 10/081,918

Confirmation No.: 2195

Filed: February 20, 2002

Art Unit: 2836

For: PEER TO PEER CONTROL AND DECISION  
MAKING SYSTEM

Examiner: S. W. Jackson

**SUBMISSION IN RESPONSE TO NOTICE OF ALLOWABILITY**

MS Issue Fee  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

On March 31, 2005, the undersigned attorney held a telephone conference with the examiner in the above-identified patent application regarding non-receipt of an executed declaration.

An executed declaration was submitted with the response to the Notice to File Missing Parts dated March 20, 2002. The USPTO acknowledged receipt of the declaration on May 17, 2002 (as evidenced by the enclosed copy of the return postcard receipt).

Therefore, the undersigned is submitting herewith a copy of said executed declaration as filed on May 17, 2002.

Dated: April 1, 2005

Respectfully submitted,

By\_

Chris Kolefas

Registration No.: 35,226

DARBY & DARBY P.C.

P.O. Box 5257

New York, New York 10150-5257

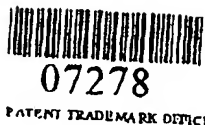
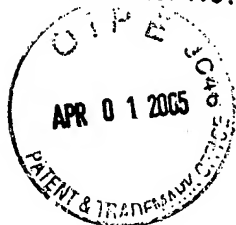
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Attorneys/Agents For Applicant



Customer No.:



Docket No.: 3551/11300

**DECLARATION  
AND POWER OF ATTORNEY  
Original Application**

As a below named inventor, I declare that the information given herein is true, that I believe that I am the original, first and sole inventor if only one name is listed at 1 below, or a joint inventor if plural inventors are named below, of the invention entitled:

**PEER-TO-PEER CONTROL AND DECISION MAKING SYSTEM**

which is described and claimed in:

- ☐ the attached specification or ☒ the specification in application Serial No. 10/081,918, filed February 20, 2002  
(for declaration not accompanying appl.)

that I do not know and do not believe that the same was ever known or used in the United States of America before my or our invention thereof or patented or described in any printed publication in any country before my or our invention thereof, or more than one year prior to this application, or in public use or on sale in the United States of America more than one year prior to this application, that the invention has not been patented or made the subject of an inventor's certificate issued before the date of this application in any country foreign to the United States of America on an application filed by me or my legal representatives or assigns more than twelve months prior to this application, that I acknowledge my duty to disclose information of which I am aware which is material to patentability in accordance with 37 CFR §1.56. I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above. I hereby claim the priority benefits under 35 U.S.C. §119 of any application(s) for patent or inventor's certificate listed below. All foreign applications for patent or inventor's certificate on this invention filed by me or my legal representatives or assigns prior to the application(s) of which priority is claimed are also identified below.

**PRIOR APPLICATION(S), IF ANY, OF WHICH PRIORITY IS CLAIMED**

<u>COUNTRY</u>	<u>APPLICATION NO.</u>	<u>DATE OF FILING</u>
United States	60/270,298	02/20/01



**ALL FOREIGN APPLICATIONS, IF ANY, FILED PRIOR  
TO THE APPLICATION(S) OF WHICH PRIORITY IS CLAIMED**

COUNTRY      APPLICATION NO.      DATE OF FILING

**POWER OF ATTORNEY:**

As a named inventor, I hereby appoint the following attorney(s) and/or agents(s) to prosecute this application and transact all business in the Patent and Trademark office connected therewith: Gordon D. Coplein #19,165, Michael J. Sweedler #19,937, S. Peter Ludwig #25,351, Paul Fields #20,298, Marc S. Gross #19,614, Joseph B. Larch #26,936, Melvin C. Garner #26,272, Ethan Horwitz #27,646, Adda C. Gogoris #29,714, Bert J. Lewen #19,407, Henry Sternberg #22,408, Peter C. Schechter #31,662, Robert Schaffer #31,194, Robert C. Sullivan, Jr. #30,499, Ira J. Levy #35,587, Joseph R. Robinson #33,448, Scott G. Lindvall #40,325, Paul F. Fehlner, Ph.D. #35,135, David Leason #36,195

all of the firm of DARBY & DARBY P.C., 805 Third Avenue, New York, NY 10022

SEND CORRESPONDENCE TO:

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New York, NY 10022

DIRECT TELEPHONE CALLS TO:

Alphonso A. Collins  
212-527-7700

**FULL NAME AND RESIDENCE OF INVENTOR 1**

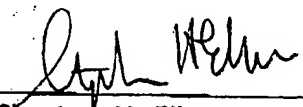
LAST NAME: Elliott      FIRST NAME: Stephen      MIDDLE NAME: H.  
CITY: Bradenton      STATE OR FOREIGN COUNTRY: Florida      COUNTRY OF CITIZENSHIP: United States  
POST OFFICE ADDRESS: 4615 Swordfish Drive      CITY: Bradenton      STATE OR COUNTRY: Florida  
ZIP CODE: 34208

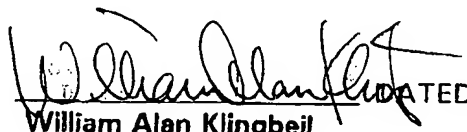
**FULL NAME AND RESIDENCE OF INVENTOR 2**

LAST NAME: Klingbeil      FIRST NAME: William      MIDDLE NAME: A.  
CITY: Palmetto      STATE OR FOREIGN COUNTRY: Florida      COUNTRY OF CITIZENSHIP: United States  
POST OFFICE ADDRESS: 8003 Lake Drive      CITY: Palmetto      STATE OR COUNTRY: Florida  
ZIP CODE: 34221

I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and

the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

SIGNATURE OF INVENTOR 1:  DATED: 5/17/2002  
Stephen H. Elliott

SIGNATURE OF INVENTOR 2:  DATED: 5-17-2002  
William Alan Klingbeil



Application No. (if known): 10/081,918

Attorney Docket No.: 03551/100I300-US1

## Certificate of Express Mailing Under 37 CFR 1.10

I hereby certify that this correspondence is being deposited with the United States Postal Service as Express Mail, Airbill No. \_\_\_\_\_ in an envelope addressed to:

**EV 447564164-US**

MS Issue Fee  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

on 4/1/05  
Date

*B.W. Lee*

Signature

*B.W. LEE*

Typed or printed name of person signing Certificate

Registration Number, if applicable

Telephone Number

Note: Each paper must have its own certificate of mailing, or this certificate must identify each submitted paper.

Submission In Response to Notice of Allowability  
Copy of Return Postcard Receipt Dated May 17, 2002  
Copy of Executed Declaration/Power of Attorney as filed on May 17, 2002  
Return Postcard Receipt